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13 **UNITED STATES DISTRICT COURT**  
14 **NORTHERN DISTRICT OF CALIFORNIA**  
15

16 TREVOR J. PAUL,  
17 Plaintiff,

18 v.

19 CITY OF RICHMOND,  
20 RICHMOND POLICE  
DEPARTMENT, CHIEF OF  
21 POLICE CHRIS MAGNUS,  
SERGEANT STONEBRAKER,  
22 SERGEANT GRAY, DETECTIVE  
DANIEL CAMPOS (1486),  
OFFICER CARMEN SANTANA  
23 (1645), OFFICER ERNEST  
LOUCAS (1461), OFFICER  
24 MICHAEL VALLERGA (1484),  
OFFICER GUZMAN, OFFICER  
25 SANTANGELO and Does 1 through  
26 50,

27 Defendants.  
28

Case No.

**COMPLAINT FOR DAMAGES FOR  
VIOLATIONS OF CIVIL RIGHTS**

**DEMAND FOR JURY TRIAL**

## **JURISDICTION AND VENUE**

1  
2       1.       This action for damages arises under 42 U.S.C. § 1983. Accordingly,  
3 subject matter jurisdiction is conferred upon this Court by 28 U.S.C. §§ 1331 and 1343.  
4 Plaintiff's state-law claims form part of the same case and controversy, and are within  
5 the supplemental jurisdiction of the Court pursuant to 28 U.S.C. § 1367.

6       2.       Plaintiff's claims arise out of a course of conduct involving officials of the  
7 City of Richmond, in the County of Contra Costa, State of California, and within this  
8 judicial district.

## **PARTIES**

9  
10       3.       Plaintiff Trevor J. Paul is an adult qualified to bring suit on his own behalf.

11       4.       Defendant City of Richmond is a political subdivisions of the State of  
12 California. Defendant Richmond Police Department (RPD) is a public entity subject to  
13 suit. Defendant Chris Magnus is the RPD Chief of Police and is sued in his individual  
14 capacity. He is the relevant policy makers and was personally involved in the  
15 constitutional violations and other wrongful conduct alleged herein.

16       5.       The individually named defendants, Sergeant Stronebraker, Sergeant Gray,  
17 Detective Daniel Campos, and Officers Carmen Santana, Ernest Loucas, Michael  
18 Vallerga, and Guzman, are law enforcement officers employed by the RPD. Plaintiff is  
19 informed and believes, and on that basis alleges, that Defendant Santangelo is an RPD  
20 officer. Each was involved in some manner with the investigation or imprisonment of  
21 Plaintiff.

22       6.       Each individual defendant acted under color of law and within the scope  
23 of his or her agency and employment.

24       7.       Does 1 to 50 are unnamed because their identities are not ascertained.

## **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

25  
26       8.       Plaintiff timely filed the appropriate administrative claims, which have  
27 been denied. This lawsuit is timely.  
28

**FACTS**

9. During the fall of 2014 Plaintiff Trevor J. Paul was employed full time as the program director at the Salesian Boys and Girls Club (the Club), which is located in Richmond, California, on premises belonging to the Salesian Society, an affiliate of the Catholic Church. Salesian High School is next door. Plaintiff is not affiliated with the Salesian Society or Salesian High School. The Club employed Plaintiff to manage daily operations, including the supervision of children enrolled at the Club, who are called “members.” Before being hired, Plaintiff passed a thorough background check that revealed he had no criminal history. Chief Magnus and the RPD knew about and had access to this background check.

10. Sometime during the fall of 2014, the mother of a young boy, A.G., enrolled him as a member of the Club. While A.G.’s mother inspected the facility, she told Club staff that she was particularly concerned about security because her son had been abused sexually by a family member. She found the security layout satisfactory.

11. On November 14, 2014, A.G. urinated in his pants while at the Club. Other members teased and bullied A.G. Mr. Paul, as the supervisor, intervened to insure that staff helped the boy, and he disciplined the other members. At the end of the day, Mr. Paul told A.G.’s mother about the incident, and explained the actions taken to help A.G. and to discipline the members who teased and bullied him. A.G.’s mother was upset and questioned Mr. Paul whether the Club had done enough.

12. Plaintiff is informed and believes, and on that basis alleges that one week later, at about 7:00 p.m. on November 21, 2014, A.G.’s mother reported to the RPD that her son had been sexually abused at the Club from 2:30 to 6:30 p.m. that day. For some reason Mr. Paul was identified as the perpetrator, although he had no contact with A.G. during those hours. Given the layout and video surveillance, no such thing could have happened without multiple people knowing about it. The RPD dispatched Officer Carmen Santana, a recently hired patrol officer with no experience investigating sex crimes involving minors, to initiate an investigation. This fiasco followed.

1           13.     At about 7:30 p.m., perhaps Officer Carmen Santana and at least one  
2 other RPD arrived at the Club. Heavily redacted reports provided by the RPD in  
3 response to Plaintiff's Public Records Act request indicate the other officer to be  
4 Michael Vallergera. Plaintiff has a distinct recollection that the officer whose conduct is  
5 described below was named Santangelo, however. Accordingly the references herein to  
6 Officer Vallergera may in fact be to an Officer named Santangelo.

7           14.     Officer Vallergera asked for Mr. Paul, and was taken to the "computer"  
8 room where Mr. Paul was supervising about a dozen young people. Officer Vallergera  
9 instructed Mr. Paul to step outside. Mr. Paul did so, thinking there was a problem  
10 involving a member that needed to be discussed privately. They stood near the front of  
11 the building where members, staff, and parents could see what was happening. Officer  
12 Vallergera asked whether Mr. Paul had weapons. Mr. Paul said he did not. Officer  
13 Vallergera patted Mr. Paul down and handcuffed him. Officer Vallergera told Mr. Paul he  
14 was not under arrest, but was only being detained. Mr. Paul could tell that members,  
15 parents, and staff saw him handcuffed and in the custody of the RPD.

16           15.     Mr. Paul asked Officer Vallergera why he was detained, and was told that  
17 there had been sexual abuse. Shocked, Mr. Paul asked who was involved. Without  
18 answering, Officer Vallergera removed Mr. Paul's wallet and gave his information to RPD  
19 dispatch, which responded that there were no warrants. Officer Vallergera then moved  
20 Mr. Paul to the parking lot, near where family members were picking up members at  
21 the end of the evening activities. Staff, parents, members, and others saw Mr. Paul  
22 standing handcuffed with Officer Vallergera. After ten to twenty minutes, Officer  
23 Vallergera moved Mr. Paul to the side of a building, still in view of people at the Club.

24           16.     Reasoning that someone had falsely accused him of inappropriate conduct  
25 with a member, Mr. Paul told Officer Vallergera that the rooms had uncovered interior  
26 windows facing into the main areas, and that there were surveillance cameras  
27 throughout, the recordings of which would disprove any accusation. Mr. Paul offered to  
28 show Officer Vallergera surveillance videos right then.

1           17.     Officer Vallerga responded that if what had been reported were true,  
2 Mr. Paul will never get out of prison. Officer Vallerga added that he had hoped  
3 Mr. Paul would make a “break for it” so he could sic his dog. Officer Vallerga added  
4 that he had gone to Salesian High School and “knew the history of this place,”  
5 apparently referring to a sex abuse scandal that allegedly occurred many years before  
6 and was associated with clergy at the High School, unrelated to Club operations.

7           18.     Plaintiff is informed and believes that additional RPD officers and  
8 Sergeant Stronebraker arrived at the Club. With Mr. Paul standing handcuffed nearby,  
9 Officer Vallerga told other officers they needed to confirm Mr. Paul “was the guy” or  
10 they were going to be “in deep shit.” One RPD officer, perhaps Guzman, put Mr. Paul  
11 in the back seat of a car for about five minutes. The officers then removed Mr. Paul,  
12 took his photograph with a cell phone, and put him back in the car.

13           19.     While Mr. Paul was in RPD custody and still outside the Club, Father  
14 Thien Nguyen, who oversees the Club for the Salesian Society, learned from RPD  
15 officers, perhaps including Sergeant Stronebraker, that Mr. Paul was accused of  
16 molesting A.G. earlier that day in the “book” room. Father Thien showed the officers  
17 the “book” room’s large, uncovered windows opening into the Club’s main area. The  
18 RPD officers saw that it would have not been possible for molestation to occur out of  
19 the view of staff and members. Father Thien played the surveillance videos, pointing  
20 out A.G. and Mr. Paul. He downloaded the videos, which show that Mr. Paul never  
21 interacted with A.G. that day, and further that A.G. appeared normal, not as if he had  
22 been assaulted by Mr. Paul or anyone else, and gave the computer files to the officers.  
23 In sum, Father Thien demonstrated beyond any question that the purported crime as  
24 reported did not occur. That should have been the end of the matter. Instead, however,  
25 Defendants, including Sergeant Stronebraker, directed Officer Guzman and another  
26 officer to take Mr. Paul to the RPD Station jail. While in route, Mr. Paul asked whether  
27 he would be able to make a phone call when he got to the station. Both officers assured  
28 him access to a telephone, but the RPD never allowed Mr. Paul a call that evening.

20. At the station jail, RPD Officer Ernest Loucas told Mr. Paul he would be doing the “forensic recording” and directed Mr. Paul to remove all of his clothing. Officer Loucas placed each item into a bag marked as evidence. Officer Loucas asked Mr. Paul if he had been read his rights. Mr. Paul said he had not. Officer Loucas chastised another officer and then continued booking clothing. Once Mr. Paul was naked he was given a white jumpsuit. Officer Loucas collected DNA from Mr. Paul’s genitals and mouth. Mr. Paul was humiliated and scared. He had not been present when officers had described the allegations to Father Thien, so Mr. Paul still had no idea who made accusations against him, or where and when his actions allegedly occurred.

21. Mr. Paul asked Officer Loucas for a phone call. Officer Loucas said that once the processing was complete Mr. Paul could use the phone. Mr. Paul was then taken to a different cell. Although he had been in police custody for hours, Mr. Paul still had not been told that he was under arrest, informed of the charges or bail, given *Miranda* admonitions, or allowed to make a phone call.

22. Next, an RPD officer or jailor removed Mr. Paul from his cell and took photographs and fingerprints, apparently for booking. Mr. Paul asked to use the phone. That officer or jailor said he could not use the phone until Mr. Paul, “talked to the Detective.” That officer or jailor told another officer to let Detective Campos know that Mr. Paul was in his cell and ready to be interviewed. The other officer responded that Detective Campos already knew that. Mr. Paul was not provided a booking slip or any other receipt. He still did not know the charges.

23. Mr. Paul waited a few hours in his cell. He estimates that around 12:30 a.m. he knocked on his cell window and asked an officer: (1) when he could make a phone call, (2) whether he was under arrest, (3) how long could he be held, and (4) when he could speak to a lawyer. The officer told Mr. Paul he could make a phone call after he talked to Detective Campos. Mr. Paul asked the officer those same questions repeatedly over the next five to six hours, but never got a phone call. Mr. Paul was extremely anxious, scared, and confused. He did not sleep at all.

1           24. Mr. Paul estimates that around 9:30 a.m. he saw an officer who appeared  
2 to be a higher rank. Plaintiff is informed and believes that he was the watch  
3 commander, RPD Sergeant Gray. Mr. Paul got the supervisor's attention and said that  
4 he had been told he would get his phone call over twelve hours ago, but still had no  
5 access to a phone. Mr. Paul added that he had not been told he was under arrest or  
6 what the charges were. The supervisor said that Mr. Paul could make a call. When  
7 Mr. Paul tried calling his parents in Vancouver, Washington, however, he learned that  
8 the phone did not allow for long distance. Mr. Paul called his girlfriend who, in turn,  
9 called his mother, who in turn called the RPD jail. Mr. Paul was allowed to speak with  
10 his mother, but not in privacy. When she asked what kind of lawyer he needed,  
11 Mr. Paul responded that he did not yet know why he was being held. He handed an  
12 officer the receiver, with his mother still on the line, and returned to his cell. Mr. Paul  
13 could hear the officer telling his mother that he was charged with 18 counts of sexual  
14 assault including sodomy and oral copulation with a minor. This was the first time he  
15 heard the charges against him. Mr. Paul was horrified, humiliated, and distraught.

16           25. Around 1:30 p.m., Detective Campos escorted Mr. Paul to an interview  
17 room. After Detective Campos began questioning, Mr. Paul asked to be read his rights  
18 so that he could request an attorney. Detective Campos responded that, "he just wanted  
19 to get to know [Mr. Paul] a little." Mr. Paul began crying. He was terrified and just  
20 wanted to speak with an attorney so he could provide the videos he knew would show  
21 he was innocent. Mr. Paul told Detective Campos he did not want to talk to him, but  
22 just wanted to hear his rights so he could talk to an attorney. Detective Campos told  
23 Mr. Paul his rights. Mr. Paul requested an attorney. After Mr. Paul invoked, however,  
24 Detective Campos still tried to question him. When Mr. Paul again made clear that he  
25 wanted counsel, Detective Campos responded, "Good luck in County," and put  
26 Mr. Paul back in the cell. Mr. Paul understood this comment as a threat in retaliation  
27 for exercising his Fifth-Amendment right to be silent.  
28



1           26.     Within hours of Mr. Paul's arrest, RPD Chief of Police Chris Magnus told  
2 Lorna Pardia-Markus, a member of the board of the Boys and Girls Club El Sobrante  
3 where Mr. Paul previously worked, that Mr. Paul had been arrested for molesting a  
4 member. (This was before Mr. Paul learned of the charges.) Ms. Pardia-Markus, in turn,  
5 told Mr. Paul's former boss, Billy Zeier, the manager at the Boys and Girls Club El  
6 Sobrante, whom Mr. Paul had previously accused of unethical behavior. Mr. Zeier sent  
7 out an email detailing the accusations against Mr. Paul—before Mr. Paul was informed of  
8 them—to over twenty-three individuals and to the National Boys and Girls Club Crisis  
9 Management team. Those individuals in receipt of Billy Zeier's email then forwarded  
10 the message freely to whomever they chose—including the staff at Salesian Boys and  
11 Girls Club—causing extreme humiliation and emotional trauma to Mr. Paul. Before long,  
12 all the staff at the Salesian Boys and Girls Club knew about the false accusations leading  
13 to Mr. Paul's arrest. Members were passing around a mugshot from the internet.

14           27.     At about 5:30 p.m., after twenty-two hours in custody, the RPD finally  
15 provided Mr. Paul a meal. The RPD transported Mr. Paul to Contra Costa County Jail.  
16 There a deputy offered to house Mr. Paul in protective custody with “other pieces of  
17 shit like you.” Mr. Paul was already concerned about how he would be treated in jail  
18 having been accused of a sex crime against a child, particularly after Detective Campos’  
19 comment about “good luck in county.” Mr. Paul requested protective custody.

20           28.     At the County Jail, Mr. Paul was asked about suicide. He falsely claimed to  
21 be thinking about killing himself so that he would be housed under close supervision  
22 and away from other inmates. A deputy listening in said he “wished that [Mr. Paul] was  
23 man enough to kill [himself] so the courts didn't have to deal with [him], but [he] was  
24 probably too much of a pussy, because of what he did to that kid.”

25           29.     At approximately 9:00 p.m. on Saturday November 22, Mr. Paul was  
26 placed in a safety cell, and was thereafter monitored on suicide watch. Mr. Paul was  
27 unable to sleep until Sunday November 23, two days after he had been taken into  
28 custody. Mr. Paul was hyper-vigilant, jumping at every noise or shadow.





34. As a further direct and proximate result of the aforesaid acts, omissions, customs, practices, policies and decisions of the defendants, plaintiff incurred legal, medical and other expenses, and will incur future medical and other expenses, which have caused plaintiff to sustain damages in a sum to be determined at trial.

35. Plaintiff now has a horrendous felony arrest in his history.

36. The individually named and doe defendants, excluding defendants City of Richmond and RPD acted outside the scope of their jurisdiction and without authorization of law. The aforementioned acts of the defendants, and each of them, was willful, wanton, malicious and oppressive, with reckless disregard of or deliberate indifference to and with the intent to deprive plaintiff of his constitutional rights, and did in fact violate the aforementioned rights, entitling plaintiff to exemplary and punitive damages in an amount to be proven at the trial of this matter.

## **CLAIMS FOR RELIEF**

### **FIRST CLAIM FOR RELIEF**

#### **DEPRIVATION OF CIVIL RIGHTS -- 42 U.S.C. § 1983**

(Fourth, Fifth and Fourteenth Amendment – Individual Liability)

37. The individual and doe defendants, while acting under color of law, deprived Plaintiff of his civil rights by violating his rights under the Fourth, Fifth and Fourteenth Amendments. These deprivations include, but are not limited to:

- (a) Detaining Plaintiff without reasonable suspicion and in an unreasonable manner;
- (b) Handcuffing and patting down Plaintiff during an investigatory detention without reasonable suspicion that he was armed and dangerous;
- (c) Arresting Plaintiff without probable cause and in an unreasonable manner;
- (d) Continuing to detain and arrest Plaintiff after any arguable grounds for probable cause dissipated;
- (e) Denying Plaintiff his federal due process right to a timely telephone call pursuant to Cal. Penal Code § 851.5;

(f) Prolonging Plaintiff's incarceration by failing to investigate or relay material facts;

(g) On information and belief, either failing to obtain a court's probable cause determination within 48 hours of the arrest, or submitting an incomplete, false and misleading declaration in support of the request for a determination of probable cause;

(h) Retaliating against Plaintiff for exercising his Fifth-Amendment right to counsel; and

(i) Defaming Plaintiff in his profession and destroying his career.

38. The above acts and omissions, while carried out under color of law, have no justification or excuse in law, and instead constitute a gross abuse of governmental authority and power, shock the conscience, are fundamentally unfair, arbitrary and oppressive, and unrelated to any activity in which governmental officers may appropriately and legally undertake in the course of protecting persons or property, or ensuring civil order. The above acts and omissions were consciously chosen from among various alternatives.

## **SECOND CLAIM FOR RELIEF**

### **DEPRIVATION OF CIVIL RIGHTS – 42 U.S.C. § 1983**

#### **(Entity Liability)**

39. At all times herein mentioned, defendants City of Richmond, RPD, and Chief Magnus, acted with deliberate indifference, and conscious and reckless disregard to the safety, security and constitutional and statutory rights of Plaintiff and others similarly situated, including the right to be free from unreasonable searches and seizures, and arrest based on insufficient evidence, instituted policies and allowed constitutional violations as alleged herein, including but not limited to:

(a) Failing to adequately train, supervise, and control RPD officers when investigating alleged sex crimes involving minors;

- (b) Failing to adequately train, supervise and control RPD officers in conducting searches pursuant to detentions or arrests;
- (c) Failing to adequately train, supervise, and control RPD officers in conducting detentions without reasonable suspicion or arrests without probable cause;
- (d) Failing to adequately train, supervise, and control RPD officers in the treatment of arrestees, including insuring access to telephones pursuant to Cal. Penal Code § 851.5 and timely admonitions pursuant to *Miranda*;
- (e) Allowing RPD arrestees to be sent to County jail in retaliation for not waiving rights, including the right to counsel and the right to remain silent;
- (f) Allowing RPD officers to bypass the requirement of a 48-hour determination of probable cause, or to submit incomplete, false and misleading declarations;
- (g) Failing to adequately discipline RPD officers involved in misconduct, dishonesty or otherwise abusing their authority; and
- (h) Condoning and encouraging RPD officers in the belief that they can violate the rights of persons such as Plaintiff with impunity, and that such conduct will not adversely affect their opportunities for promotion and other employment benefits.

40. As a direct and proximate result of the foregoing, Plaintiff sustained injury and damage as proved.

### **THIRD CLAIM FOR RELIEF**

#### **DEPRIVATION OF CIVIL RIGHTS -- CALIFORNIA CIVIL CODE §§ 52 AND 52.1**

28. All defendants are subject to liability under California Civil Code §§ 52 and 52.1 because the individual and doe defendants violated plaintiff's constitutional and statutory rights and did so with threats, intimidation or coercion. Defendants violated Plaintiff's right to be free of unlawful seizure made without probable cause, as

1 guaranteed under both the U.S. and California constitutions, and his statutory right to  
 2 bodily integrity as guaranteed by California Civil Code § 43. Defendants violated each  
 3 of these rights through the use of threats, coercion and intimidation, including  
 4 imprisoning him for more than five days, in part in retaliation for Plaintiff's exercising  
 5 his rights to consult counsel before interrogation, and to refuse to answer questions.

6 29. The above acts and omissions had no justification or excuse in law, and  
 7 instead constitute a gross abuse of governmental authority and power, express  
 8 deliberate indifference, shock the conscience, are fundamentally unfair, arbitrary and  
 9 oppressive, and unrelated to any activity in which governmental officers may  
 10 appropriately and legally undertake in the course of protecting persons or property, or  
 11 ensuring civil order.

12 41. As a direct and proximate result of the foregoing, Plaintiff sustained injury  
 13 and damage as proved.

#### 14 **FOURTH CLAIM FOR RELIEF**

##### 15 **FALSE ARREST AND IMPRISONMENT**

16 42. On November 21, 2015, Defendants arrested Plaintiff without probable  
 17 cause, and continued to incarcerate him through November 26, 2015, even though they  
 18 had exonerating evidence.

19 43. As a direct and proximate result of the foregoing, Plaintiff sustained injury  
 20 and damage as proved.

#### 21 **PRAYER**

22 WHEREFORE, plaintiff requests relief as follows, and according to proof,  
 23 against each defendant:

- 24 1. General and compensatory damages in an amount according to proof;
- 25 2. Special damages in an amount according to proof;
- 26 3. Exemplary and punitive damages against each individual and Doe
- 27 defendant, not against the City of Richmond or the RPD, in an amount according to
- 28 proof;

4. Costs of suit, including attorneys' fees, under 42 U.S.C. § 1988; and,
5. Such other relief as may be warranted or as is just and proper.

Dated: November 30, 2015 THE LAW OFFICES OF JOHN BURTON  
HADDAD & SHERWIN

By: /S/ John Burton  
John Burton  
Attorneys for Plaintiff

### DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury.

Dated: November 30, 2015 THE LAW OFFICES OF JOHN BURTON  
HADDAD & SHERWIN

By: /S/ John Burton  
John Burton  
Attorneys for Plaintiff